

Jason G. Gong (SBN 181298)
LAW OFFICE OF JASON G. GONG
A Professional Corporation
2121 N. California Blvd., Suite 290
Walnut Creek, CA 94596
Telephone: (925) 735-3800
Facsimile: (925) 735-3801
Email: jgong@gonglawfirm.com

Attorney for Plaintiff
JOHN RODGERS, an individual

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN RODGERS, an individual,
Plaintiff,
vs.
S.B. RESTAURANT COMPANY, dba
ELEPHANT BAR RESTAURANT, 1225
WILLOW PASS LLC, and DOES 1 through
20, inclusive,
Defendants.

) Case No. 3:12-cv-03676-JSC
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**STIPULATION FOR DISMISSAL
OF ACTION**
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Complaint Filed: July 13, 2012
) Trial Date: None
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Plaintiff JOHN RODGERS ("Plaintiff") and Defendants S.B. RESTAURANT COMPANY, dba ELEPHANT BAR RESTAURANT, and 1225 WILLOW PASS LLC ("Defendants") have reached a complete settlement of the above-captioned matter and have formalized the settlement in a Mutual Settlement and Release Agreement ("Settlement Agreement").

Pursuant to the terms of the Settlement Agreement, Plaintiff and Defendants, through their respective counsel of record, hereby stipulate to the dismissal of this action in its entirety with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY STIPULATED by and between the parties through their respective counsel of record that the above-entitled action is hereby dismissed with prejudice. *See* Fed. R.

Civ. P. 41(a)(1)(A)(ii).

IT IS HEREBY FURTHER STIPULATED by and between the parties through their respective counsel of record that the parties shall bear their own costs and attorneys' fees.

IT IS HEREBY FURTHER STIPULATED by and between the parties through their respective counsel of record and pursuant to the terms of the Settlement Agreement that the Court retains jurisdiction to enforce the terms of the Settlement Agreement. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994) (empowering district courts to retain jurisdiction over enforcement of settlement agreements by stipulation of the parties).

IT IS SO STIPULATED.

Respectfully submitted,

Dated: January 15, 2013

LAW OFFICE OF JASON G. GONG
A Professional Corporation

/s/ Jason G. Gong

By: _____
Jason G. Gong
Attorney for Plaintiff
JOHN RODGERS, an individual

Dated: January 15, 2013

KAISER, SWINDELLS & EILER

Dated: January 16, 2013